

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN MIKE TAYLOR**, on February 5, 2001 at 8:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Taylor, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Vicki Cocchiarella (D)
Sen. Sam Kitzenberg (R)
Sen. Dale Mahlum (R)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)

Members Excused: Sen. Dale Berry (R)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kyanne Kelly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 150, 2/2/2001; SB 141,
2/2/2001; SB 80, 2/2/2001
Executive Action:

HEARING ON HB 150

Sponsor: REPRESENTATIVE ROD BITNEY, HD 77, KALISPELL

Proponents: Kevin Braun, Department of Labor and Industry
Webb Brown, Montana Chamber of Commerce

Opponents: Don Judge, AFL-CIO
Brent McCollum, Representing Himself

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 0.7}

REPRESENTATIVE ROD BITNEY, HD 77, KALISPELL, stated that four of the changes in this bill were housekeeping, to clean up the act, and the fifth change, which related to layoffs and vacation time, would be somewhat more controversial.

Proponents' Testimony:

Kevin Braun, Department of Labor and Industry, supported this bill. He spoke of section 5, which is the controversial part of the bill. He stated that the bill addresses the question of whether a person can draw unemployment benefits at the same time they are drawing vacation pay.

Webb Brown, Montana Chamber of Commerce, said he supports the bill and especially section 5.

Opponents' Testimony:

Don Judge, AFL-CIO, opposed the bill on the grounds that section five comes out of a labor dispute. He stated that there has not been any other instance in the state where the situation addressed by this bill was necessary. He also stated that this would possibly have negative ramifications for other workers outside of this labor dispute.

Brent McCollum, Representing Himself, strongly opposed the bill. He said the bill in its current form would put employee's earned vacation time at the discretion of the employer, and he did not think that was fair. **EXHIBIT (bus29a01)**

Questions from Committee Members and Responses:

SENATOR VICKI COCCHIARELLA asked for an explanation of the company mandating taking vacation time when they shut down.

Kevin Braun said it is part of the collective bargaining agreement that they take their vacation during the shut down.

SENATOR MIKE SPRAGUE asked if there were any unintended consequences to this bill.

Kevin Braun said the definition of unemployment is perform no work, collect no wages. He stated that right now if someone is on vacation, they can collect unemployment.

SENATOR SPRAGUE wanted clarification of whether the law said 'earned' or 'received' wages.

Kevin Braun said the law says 'earned'.

SENATOR DON RYAN asked if the company can dictate when the employee can take vacation.

Kevin Braun said that is between the employee and the employer. He said it depends on the agreement made between the employer and employee.

SENATOR ED BUTCHER said the employee is paid for 52 weeks and that when they went to work they understood that they would take their vacation when the employers said so. Now the employee doesn't like it that he has to take vacation when the employer says to.

Kevin Braun said yes.

SENATOR DALE MAHLUM asked if the employer can tell an employee when he has to take a vacation when there is no collective bargaining.

Kevin Braun said there is nothing in the law precluding an employer from mandating when an employee has to take their vacation.

SENATOR GLENN ROUSH asked about the nature of the double dipping.

Jason Miller said he could not respond to **SENATOR ROUSH'S** question at this time because the union is in collective bargaining and as an organization they have asked him to stand down on this issue.

CHAIRMAN TAYLOR asked about mandated vacation.

Don Judge said it is cheaper to mandate vacation rather than raise unemployment rates.

CHAIRMAN TAYLOR asked if this bill says an employer can mandate vacation time.

Kevin Braun said it does not.

SENATOR COCCHIARELLA clarified that in collecting unemployment you have to claim the week you were paid in, not the week that you were supposed to take vacation.

Kevin Braun said yes.

Closing by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 12.7}

REPRESENTATIVE ROD BITNEY, HD 77, KALISPELL, said a person shouldn't be able to collect unemployment on the same week that he is being paid for vacation, even if he was paid for vacation at a time previous to the time he was mandated to take off of work.

HEARING ON SB 141

Sponsor: **SENATOR EMILY STONINGTON, SD 15, BOZEMAN**

Proponents: **John Frohnmayer, Lawyer from Bozeman**
Tom Bilodeau, Montana Education Association
Don Judge, AFL-CIO
Gene Fenderson, Joint Heavy and Highway Committee

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 20.2}

SENATOR EMILY STONINGTON, SD 15, BOZEMAN, said this bill would put in law that an employee may have access to their employee file with the supervision of their employer.

Proponents' Testimony:

John Frohnmayer, Lawyer from Bozeman, said he has tried to get the files of his client's employment records because of a potential law suit, but he was denied access.

Tom Bilodeau, Montana Education Association, said he supports this bill, it is consistent with the public policy of the state. He also said it is consistent with current collective bargaining agreements and has helped resolve issues with employees.

Don Judge, AFL-CIO, said they do this as a matter of practice. He said it just makes good common sense.

Gene Fenderson, Joint Heavy and Highway Committee, said he supports the legislation because it is a fair thing to have the right to one's own personnel records.

Opponents' Testimony: None

Questions from Committee Members and Responses:

CHAIRMAN TAYLOR asked if there was a law to disclose what is in the file.

John Fronmeyer said there is no law in Montana that requires that.

SENATOR SPRAGUE asked if the file can be purged from time to time.

John Fronmeyer said this bill only gives access to the file, it has nothing to do with purging the file.

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 14.2}

SENATOR EMILY STONINGTON, SD 15, BOZEMAN, said this is good business practice.

HEARING ON SB 80

Sponsor: SENATOR DALE MAHLUM, SD 35, MISSOULA

Proponents: Jeffery Tiberi, Montana Heritage Commission
Arnie Olson, Montana Historical Society
Doug Monger, Fish, Wildlife and Parks

Opponents: None

Informational Witness: Russ Katherman, Contract Officer for State

Opening Statement by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 15.2}

SENATOR MAHLUM, SD 35, MISSOULA, said they would like to add three members to the Montana Heritage Commission.

Proponents' Testimony:

Jeffery Tiberi, Montana Heritage Commission, showed a movie and told about what has been done in Virginia City and Nevada City during the past three years and told of the projects that still need to be done to bring the cities up to codes. He then handed in written testimony. **EXHIBIT (bus29a02)**

Arnie Olson, Montana Historical Society, handed in his testimony and also an exhibit showing the relationship of the Montana Historical Society and the Montana Heritage Commission.
EXHIBIT (bus29a03) EXHIBIT (bus29a04)

Doug Monger, Fish, Wildlife and Parks, said the two most important things to do in Virginia City and Nevada City is to preserve and protect the buildings and to provide for the visitors who come to see those buildings and take part in Montana's history. **EXHIBIT (bus29a05)**

Opponents' Testimony: None

Informational Witness: Russ Katherman, Contract Officer for State was available to answer questions.

Questions from Committee Members and Responses:

SENATOR SPRAGUE asked how it is doing on motel attraction.

Jeff Tiberi said the visitor's center is now available to help people to stay longer. He said there are 70 pillows in town at this time. He noted that in the future they want to attract visitors from Yellowstone Park.

SENATOR BUTCHER asked what the safeguard was from over expenditure by the Heritage Commission.

Jeff Tiberi said it would be over seen by the 11 member board. He said they do not begin a project they don't have money to complete.

CHAIRMAN TAYLOR asked if Fish & Game was helping with the weeds.

Doug Monger said they weren't.

SENATOR SAM KITZENBERG asked about fire safety.

Jeff Tiberi said two dams were made, a big pump was bought and a big water truck.

Closing by Sponsor:

{Tape : 2; Side : B; Approx. Time Counter : 25.8}

SENATOR DALE MAHLUM, SD 35, MISSOULA, said people can stay in Ennis, there are motels there for people. He said these historical sites are for the children growing up in Montana.

ADJOURNMENT

Adjournment: 10:00 A.M.

SEN. MIKE TAYLOR, Chairman

KYANNE KELLY, Secretary

EXHIBIT (bus29aad)